

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD J. HANDY,

Defendant.

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Case No. 8:05cr333

ORDER

This case is before the court on Todd Handy's Motion for Pretrial Release and Treatment (#25). The defendant requests the court to re-open the issue of detention and allow the defendant to participate in outpatient drug treatment.

After reviewing the September 7, 2005 Detention Order (#17) and the September 2, 2005 Pretrial Services memorandum, I find the motion should be denied without hearing.

The defendant's proposed release to obtain outpatient drug treatment fails to adequately address the court's concerns, which include the defendant's significant prior criminal record and noncompliance with previous court orders. The proposed outpatient treatment program also fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED:

1. The defendant's Motion for Pretrial Release and Treatment (#25) is denied without hearing.

Dated this 24th day of October 2005.

BY THE COURT:

S/ F.A. Gossett

United States Magistrate Judge